

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-20 are pending in the application. Claims 1-3 have been amended only to improve claim language. Claim 4 has been amended to depend from claim 2 to avoid an indefiniteness issue. New claims 5-20 have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification has been revised in the manner kindly suggested by the Examiner in the Office Action. No new matter has been introduced through the foregoing amendments.

The Examiner's comments on the IDS and the listing of references in the specification are noted. Applicants respectfully submit that a concise explanation of the relevance of JP-9-51916 has been incorporated in the specification (pages 2-3) as required by 37 CFR 1.98(a)(3), which does not require an English Abstract of the reference to be submitted. Therefore, consideration of JP-9-51916 cited in the IDS and discussed in the specification is in order.

The objection to the specification is believed overcome in view of the above amendments.

The 35 U.S.C. 103(a) rejection of claims 1, 3 and 4 as being obvious over Coles (U.S. Patent No. 5,762,642) is traversed, because the reference clearly fails to disclose, teach or suggest all limitations of the rejected claims, e.g., the claimed tubular liquid passage of independent claim 1.

The Examiner's argument that *Coles* teaches barrier structures that are *analogous* to the claimed tubular liquid passage is noted. Applicants respectfully disagree, because the *Coles* barrier structures which include two barrier lines 34, 36 (FIG. 4a of *Coles*) made of wax (claim 10 of

Coles) are *structurally* different from claimed tubular liquid passage formed from a liquid-pervious sheet. The wax, barrier lines of *Coles* do not define any tubular liquid passage. In addition, in order to provide any barrier effect, the *Coles* barrier structure must be liquid impervious, whereas the claimed tubular liquid passage is liquid pervious. Therefore, Applicants respectfully submit that *Coles* fails to disclose, teach or suggest the claimed tubular liquid passage.

With respect to claims 3 and 4, the Examiner's "well known" allegation is traversed as being evidentially unsupported. The Examiner is kindly asked to cite reference or references of good date that show(s) the allegedly well-known feature. *See MPEP*, section 2144.03 (As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute.")

The 35 U.S.C. 103(a) rejection of claim 2 as being obvious over *Coles* (U.S. Patent No. 5,762,642) in view of *Sroda* (U.S. Patent Application Publication No. 2004/0087924) is traversed for the reason advanced with respect to claim 1 from which claim 2 depends.

The Examiner's reliance on the teaching reference of *Sroda* for the limitation of claim 2 is inappropriate, because *Sroda*, especially in the portions cited by the Examiner, neither contains an enabling disclosure of the claimed slits nor teaches/suggests the unique arrangement of the claimed liquid pervious sheet's lower section extending upward through the slit.

Withdrawal of the art rejections manifested in the Office Action in view of the above is now believed appropriate and therefore courteously solicited.

New claims 5-10 depend from claim 1, and are considered patentable at least for the reason advanced with respect to claim 1. Claims 5-10 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claims 5-6, the applied references, especially *Coles*, clearly fail to disclose, teach or suggest the claimed Ω shape. See all figures of *Coles*.

As to claim 7, the applied references, especially *Coles*, clearly fail to disclose, teach or suggest the claimed feature that the tubular liquid passage is configured to provide a capillary effect in the longitudinal direction, so that bodily liquid discharged on the tubular liquid passage spreads in the longitudinal direction before spreading in a transverse direction perpendicular to the longitudinal direction. The reference simply teaches keeping any liquid received by the main portion 20 between barrier lines 34, 36 (column 8, lines 30-35), without disclosing or suggesting how such received liquid would spread within the main portion. Any liquid received in the main portion 20 appears to immediately penetrate down (column 8, lines 35-37) rather than to spread in the longitudinal direction as presently claimed.

As to claim 9, the applied references, especially *Sroda*, clearly fail to disclose, teach or suggest the claimed feature that the slit and the tubular liquid passage extend, in said longitudinal direction, over an entire length of said absorbent core. As discussed above, *Sroda* does not contain an enabling disclosure of how the slits are configured.

As to claim 10, the applied references clearly fail to disclose, teach or suggest the claimed feature that the lower section of said first sheet is joined to itself in the longitudinal direction to define said loop. See element 24 in FIG. 5 of the instant application.

New independent claim 11 is patentable over the applied references because the references do not fairly teach or suggest all limitations of independent claim 11, e.g., the claimed upper liquid-pervious sheet section comprising upwardly convex portion which is located in a vicinity of a longitudinal center line bisecting a transverse dimension of said diaper and upwardly spaced from the upper surface of said core so as to define a passage between said upwardly convex portion and the upper surface of said core. Sheet 20 of *Coles* is generally flat as can be seen in the figures of the

reference.

Claims 12-20 depend from claim 11, and are considered patentable at least for the reason advanced with respect to claim 11. Claims 12-20 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as argued above with respect to claims 2-10.


Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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